

**CHARLES HAMPTON, d/b/a
CWF WOOD PRODUCTS,**

Appellant

Representing the Appellant:

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**AGBCA Nos. 2004-150-1
2004-151-1**

DECISION OF THE BOARD OF CONTRACT APPEALS

June 28, 2005

BEFORE POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

These appeals were received at the Board April 6, 2004. AGBCA No. 2004-150-1 arises out of Contract No. 04-045738, the Three Springs Blowdown Timber Sale, between Charles Hampton d/b/a CWF Wood Products (Appellant), of Ellsinore, Missouri, and the Mark Twain National Forest, Poplar Bluff Ranger Station, Rolla, Missouri (FS or the Government). AGBCA No. 2004-151-1 arises out of Contract No. 468336, the North Fork Reoffer I Timber Sale, between the same parties. Appellant appeals Contracting Officer's (CO's) decisions dated December 31, 2003 and January 6, 2004. The first decision denied Appellant's claim for \$15,000 for an alleged volume shortfall and for cost overruns on harvesting and harvesting timber on the Three Springs Blowdown Timber sale. The second denied its claim for \$16,687.72 for an alleged volume shortfall on the North Fork Reoffer I Timber sale.

The Board has jurisdiction to decide the appeals pursuant to the Contract Disputes Act of 1978, (CDA), 41 U.S.C. §§ 601-613, as amended.

The parties submitted pleadings and an appeal file. They also conducted discovery. Appellant

informed the Board that it wished to schedule a hearing. However, during a November 23, 2004 conference with the Board, the parties indicated that they were interested in discussing settlement. At that time, the presiding judge scheduled a follow-up conference for January 6, 2005. Prior to the scheduled conference, the parties reported that they were making progress in settlement negotiations and requested the conference be postponed. On March 3, 2005, Appellant's counsel informed the Board that a settlement had been reached and that dismissals would be filed once funds were disbursed. The Board has now received a Settlement Agreement signed by both parties. Appellant has filed a Voluntary Dismissal.

DECISION

The appeals, having been settled, are hereby dismissed with prejudice.

ANNE W. WESTBROOK

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

June 28, 2005